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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,494	10/17/2005	Nobuyuki Suda	123353	9164

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,494

Applicant(s)

SUDA, NOBUYUKI

Examiner

Geoffrey L. Knable

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/29/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

1. Claims 2, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite for several reasons. First, the reference to "after the rubber-coated cord is laminated in two layers comprising a radially inner layer and a radially outer layer" seems to imply a previous step has already been defined of producing the two layers whereas no such prior step is defined - as such, it is not clear if this additional step is required. Further, it is not entirely clear what is meant by "the rubber coated cord is laminated in two layers" - i.e. as this could be interpreted several different ways (e.g. it could be read as defining that the cord is laminated between two layers of rubber whereas this is clearly not intended), clarification is required of what is occurring in this step. Also, given that a single "rubber-coated cord" in the outer layer is defined as "press-fitted between the rubber-coated cords in the inner layer," it is not clear if this is only specifying that a single cord is so pressed or if it includes includes more.

In claims 3 and 4, the several references to "cords" (i.e. plural) raises potential for confusion as it seems from the original disclosure and the claim 1 requirement for applying the cords "one by one" would require unwinding and feeding a single cord.

Claim 4 is indefinite as since it appears to substantively duplicate claim 3 (the only difference being the dependency), it is not clear how the claim 2 requirement for the cords being press-fitted is reflected in the claim 4 apparatus. In other words, at present no means to effect this additional claim 2 operation are part of the claim 4 apparatus and as such, it is not clear how claim 4 differs from claim 3.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitotsuyanagi et al. (US 2002/0046796).

Hitotsuyanagi et al. discloses a method for forming a cord reinforcement for a tire where a rubber coated cord of predetermined length is attached one by one onto a shaping drum - note esp. fig. 11. A method as required by claim 1 is therefore anticipated by this disclosure. As to claim 3, the disclosed apparatus includes a cord attaching/cutting machine (19) for successively attaching the rubber-coated cords onto a shaping drum (21), as well as cutting continuous rubber-coated cord into said predetermined length; a relay drum (13) for unwinding a cord out of a cord reel (11) and feeding the cord to the cord attaching/cutting machine, a rubber coating machine (12) for continuously coating the rubber-coated cord between the cord reel and the relay drum; and a festoon (14) for adjusting excess or shortage of the rubber-coated cord.

generated between the cord attaching/cutting machine and the relay drum. An apparatus as required by claims 3 and 4 is therefore anticipated.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b/e) as being anticipated by Debroche et al. (US 4,804,436) or Caretta (US 6,457,504).

Debroche et al. discloses a method of forming a cord reinforcement for a tire where a rubber coated cord (col. 3, lines 7-10) is applied one by one to a drum. Caretta likewise discloses a method of forming a cord reinforcement for a tire where a rubber coated cord is applied one by one to a drum - note esp. col. 7, lines 56-62 which indicate that the applied strip can include a single thread/cord 15. A method as required by claim 1 is therefore anticipated by each patent. As to claim 2, both Debroche et al. (col. 5, lines 6-17) and Caretta (e.g. col. 11, lines 38-51) disclose processes where one cord is pressed into the space between two previously laid down cords - this claim does not define over this processing.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tokita (US 5,200,009), Perkins (US 5,192,390 - esp. figs. 2 and 3) and de Zarauz (US 3,783,926 - esp. figs. 3-6) each show plies including two layers to one layer with cords between other words but are less relevant than the applied prior art.

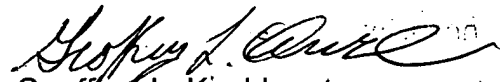
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1791

G. Knable
January 6, 2008